

Claims 1 through 3 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Beals (US Patent 4,531,775) in view of Reardon et al. (US Patent 3,069,199).

Claims 1 through 3 have been cancelled, and therefore the §102(b) rejection and the §103(a) rejection of claims 1 through 3 are submitted to be moot.

Paragraph 8 of the Office Action

Claims 4 through 8 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Beals (US Patent 4,531,775) in view of Reardon et al. (US Patent 3,069,199) as applied to claims 1 through 3, and further in view of Jordan (US Patent 5, 183,309).

Claims 4 through 7 have been cancelled.

Claim 8 requires "a flap member securely attached to said first wall member and extending along and outwardly from a first longitudinal edge of said first wall member" and "said flap member being thin and flat and having a width capable of extending partially beneath a first longitudinal edge of said second wall member when both said first and second wall members are in a closed position upon a truck box". The applicant's claimed positioning of the flap member that extends from an edge of the first wall member *beneath* the edge of the second wall member permits the flap member to catch rain or other moisture that moves through the area between the edges of the first and second wall members so that the moisture may flow from the rear of the first and second wall members.

The Beals reference teaches a pair of complementary beveled edges with a strip lodged in between the beveled edges. The Beals device thus relies upon the pressing of both of the beveled edges against the strip to form a seal, and any moisture moving between the beveled edges and strip (e.g., as a result of insufficient compression) is not caught by any structure, and falls onto the contents of the bed of the vehicle.


The Reardon reference teaches a pair of cover panels with inner edges, and one of the inner edges overlaps the other cover panel. However, this forces the inner edge to extend above the plane of the top surfaces of the cover panels, and thus the inner edge is vulnerable to catching moisture or precipitation flowing across the top surface of the cover panel. Even though the inner edge extends longitudinally on the vehicle, the inner edge of Reardon's cover panels will catch any cross wind or driving rain that does not coincide with the direction of travel of the vehicle and force it through the joint between the cover panels. It is therefore submitted that the applicant's claimed flap member structure is superior in performance to the structures of the prior art.

It is therefore submitted that the applicant's claimed invention, especially the flap member structure, is not found in the prior art and is capable of superior performance as compared to the structures of the prior art patents cited in the Office Action.

Withdrawal of the §103(a) rejection of claim 8 is therefore respectfully requested.

In light of the foregoing amendments and remarks, early reconsideration and allowance of this application are most courteously solicited.

Respectfully submitted,


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